

Board of Adjustment

Minutes

City Council Chambers, Lower Level March 4, 2015

Board Members Present:

Trent Montague – Chair
Mark Freeman - Vice Chairman
Tyler Stradling
Ken Rembold
Greg Hitchens

Board Members Absent:

Wade Swanson (excused)
Tony Siebers (excused)

Staff Present:

John Wesley
Gordon Sheffield
Angelica Guevara
Kaelee Wilson
Margaret Robertson
Charlotte McDermott
Michael Gildenstern

Others Present:

Richard Dyer
Nancy Smith

The study session began at 5:02 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 5:34 p.m., the following items were considered and recorded.

Study Session began at 5:02 p.m.

- A. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:22 p.m.**Public Hearing began at 5:30 p.m.**

- A. Consider Minutes from the February 4, 2015 Meeting -A motion was made by Boardmember Freeman and seconded by Boardmember Hitchens to approve the minutes. Vote: Passed 5-0 (Excused-Boardmembers Swanson and Siebers)
- B. Consent Agenda -A motion to approve the consent agenda as read was made by Boardmember Stradling and seconded by Boardmember Hitchens. Vote: Passed 5-0 (Excused-Boardmembers Swanson and Siebers)

Case No.: BA14-066 **CONTINUED**

Location: 5721 East Leonora Street

Subject: Requesting: 1) a Variance to allow a carport to encroach into the required front yard; and 2) a Variance to allow a carport to extend in front of the front line of the house, both in the RS-7-PAD-AS zoning district. (PLN2014-00602).

Decision: Continuance to the April 1st, 2015 Meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to continue case BA14-066 to the April 1st, 2015 meeting.

Vote: Passed (5-0) (Excused-Boardmembers Swanson and Siebers)

Case No.: BA15-001 **CONTINUED**

Location: 2816 and 2828 South Country Club Drive

Subject: Requesting a Special Use Permit to modify and/or remove an existing comprehensive sign plan in the LC zoning district. (PLN2014-00640).

Decision: Continuance to the April 1st, 2015 Meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to continue case BA15-001 to the April 1st, 2015 meeting.

Vote: Passed (5-0) (Excused-Boardmembers Swanson and Siebers)

Case No.: BA15-003 **CONTINUED**

Location: 1310 South Sossaman Road

Subject: Requesting a Special Use Permit to modify an existing comprehensive sign plan in the LC-PAD-PAD zoning district. (PLN2014-00678)

Decision: Continuance to the April 1st, 2015 Meeting

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to continue case BA15-003 to the April 1st, 2015 meeting.

Vote: Passed (5-0) (Excused-Boardmembers Swanson and Siebers)

Case No.: BA15-004 **APPROVED WITH CONDITIONS**

Location: 318 East Brown Road

Subject: Requesting a Special Use Permit to allow a wireless communications facility to exceed the maximum height allowed in the LC zoning district. (PLN2015-00032)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to approve case BA15-004 with the following conditions:

1. *Compliance with the site plans and elevations dated January 21, 2015, except as modified by the following conditions.*
2. *The wireless communication facility shall utilize a monopalm design with a maximum height of sixty-feet (60') measured to the top of the palm canopy and 50' fifty-feet to the RAD center of the antenna array.*
3. *The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds.*
4. *The palm fronds shall be a minimum of eleven-feet (11') in length.*
5. *The wireless communication pole shall resemble a palm tree trunk with date palm bark cladding material applied on the pole.*
6. *The antenna array stand-off shall not exceed eighteen-inch (18") maximum from the pole.*
7. *The antenna array for each sector shall not exceed an overall width of nine-feet (9').*
8. *The antennas shall not exceed 1' wide x 7" deep x 8' in length with four antennas per sector.*
9. *All antennas, mounting hardware, RRH, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
10. *The 20' x 24' lease area containing the equipment shelter and generator shall be screened by a 9' tall masonry wall with solid metal gate.*
11. *Provide a nine-foot (9') tall CMU wall around the perimeter of the lease area to screen the equipment and generator.*
12. *Replace the wood slats on the gate of the equipment enclosure with a durable opaque material that complies with Sec. 11-30-9.*
13. *The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
14. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
15. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.*
16. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*

17. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Vote: Passed (5-0) (Excused-Boardmembers Swanson and Siebers)

The Board's decision is based upon the following Findings of Fact:

- A. There are no existing structures within the search area that can be used to co-locate a WCF to address the specific coverage gap.
- B. The coverage area does not have any industrial districts within the coverage area.
- C. The applicant is proposing a freestanding monopalm at a height of 50' feet to the RAD center of the antennas (60-feet to top of the palm fronds).
- D. The monopalm design is the best option available to blend into the surrounding environment as there are approximately 18 existing mature palm trees within the group commercial development.
- E. The nearest WCF is located approximately 1,475' west of the site.
- F. The equipment shelter and generator will be screened by a nine-foot (9') tall CMU wall finished to match the adjacent building.
- G. The proposed WCF is 265-feet from Brown Road, and 78' from the residential property to the west meeting the required separation and setbacks.
- H. The three-sector, three antennas per sector antenna array will be sufficiently camouflaged by the 65 faux-palm fronds each measuring eleven-feet (11') in length.
- I. Each antenna sector will have an overall width of nine-feet (9') wide and could be up to 30" from the pole.
- J. The WCF is proposed at the back of the buildings in an area that is screened from street view making the additional landscape material around the base of the equipment enclosure not needed.

Case No.: BA15-005 **APPROVED WITH CONDITIONS**

Location: 2768 North Mesa Drive

Subject: Requesting a Special Use Permit to allow a wireless communications facility to exceed the maximum height allowed in the RS-43 zoning district. (PLN2015-00037)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to approve case BA15-005 with the following conditions:

1. *Compliance with the site plans and elevations dated January 27, 2015, except as modified by the following conditions:*
2. *The wireless communication facility shall utilize a monopine design with a maximum height of sixty-five feet (65') to the top of the branch/leaf canopy and forty-feet (40') and fifty-five (55') feet to the RAD center of the antenna arrays.*
3. *The stealth design of the wireless communication facility shall conform to the following standards:*
 - (a) Provide (3) branches per linear foot of tree height.*
 - (b) Provide curved antenna branches to better conceal antenna panels.*
 - (c) Paint all mounting hardware, RHH's, and other equipment to blend with the color of the pine needles and branches.*
 - (d) Provide bark color and texture along the entire length of the pole(s) to match the bark of a natural pine tree. This shall include multiple colors to better simulate the bark of a tree.*
 - (e) Antenna socks with pine needles and branches to match the pine tree foliage.*
 - (f) The faux pine branches shall start at 15' from the ground level. (This height may be adjusted depending on the overall tree height to ensure it is proportional.)*
 - (g) The faux pine branch density shall not be reduced near the antenna arrays.*
 - (h) The faux pine needles shall extend past the antennas a minimum of 12". The pine branches and needles shall taper towards the top of the pine tree canopy to provide a more natural form as presented in the photo simulations.*
4. *The antenna arrays shall not extend more than 30" from the pole.*
5. *The 30' x 40' lease area containing the equipment shelter and generator shall be screened by a 12' tall masonry wall with solid metal gate. CMU wall and gate are to be painted to blend with adjacent walls and architecture*
6. *The operator of the monopine shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
7. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
8. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.*
9. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the*

date the removal is completed.

10. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Vote: Passed (5-0) (Excused-Boardmembers Swanson and Siebers)

The Board's decision is based upon the following Findings of Fact:

- A. There are no existing structures within the search area that can be used to co-locate a WCF to address the specific coverage gap.
- B. The applicant is proposing a freestanding monopine with antennas set at a height of 40-feet and 55-feet to the RAD center of the antennas (65-feet to top of the pine needle branches).
- C. The proposed facility is located at the rear of a commercial center.
- D. The monopine design is the option provided by the applicant to camouflage the two proposed antenna arrays and 3' diameter dish.
- E. The nearest WCF is located over 1,000 feet away from the site.
- F. The equipment shelter and generator will be screened by a twelve-foot (12') tall CMU wall finished to match the adjacent building.
- G. The proposed WCF is 350-feet from all property lines and street meeting the required separation and setbacks.
- H. The antennas and dish will be sufficiently camouflaged by the pine needle branches.
- I. The pine needle branches will extend 12" past the antennas.
- J. Each antenna sector will have an overall width of twelve-feet (12') wide and could be up to 30" from the pole.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator